

Comhairle Chontae Atha Cliath Theas

PR/0377/22

Record of Executive Business and Chief Executive's Order

Reg. Reference: SD21B/0487 **Application Date:** 14-Sep-2021
Submission Type: Clarification of **Registration Date:** 25-Feb-2022
Additional
Information

Correspondence Name and Address: Edward Quinn 8, Killinenny Cottages, Firhouse Road, Dublin 24

Proposed Development: New vehicular entrance; dishing; alterations to gated entrance.

Location: 24-26, Killakee Green, Tallaght, Dublin 24

Applicant Name: Edward Quinn

Application Type: Permission

(AOCM)

Description of Site and Surroundings:

Site Area: Stated as 0.06 hectares.

Site Description:

The site is located on Killakee Green and comprises a pair of semi-detached houses. The surrounding area is predominantly residential in nature and this site represents back land/garden development of the property to the north.

Site visited

13 October 2021

Proposal:

Permission is sought for the following:

- A new vehicular entrance (3.6m wide) onto Killakee Green with electric gate. Works to include dishing of public footpath.

Zoning:

The site is zoned objective RES – *'To protect and/or improve Residential Amenity.'*

Consultations:

Surface Water Drainage – No report received to date

Roads Department – **Additional information** recommended

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Submissions/Observations /Representations:

Submission expiry date – 18/10/2021

No submissions or objections received.

Relevant Planning History

SD03A/0033: Two semi-detached 2-storey dwellings with off street parking located to the rear of 8 Firhouse Road and accessed from Kilakee Green. **Permission granted**

Site to north

Construction of 4-bedroom dormer bungalow and associated landscaping, services and car parking for 2 vehicles. **Decision outstanding.**

Site to west

SD21A/0255: Construction of two, three storey 3-bedroom detached houses and associated ancillary site works. **Decision outstanding.**

Relevant Enforcement History:

None recorded.

Pre-Planning Consultation:

None recorded.

Relevant Policy in South Dublin County Council Development Plan 2016 - 2022

Policy H15 Privacy and Security

It is the policy of the Council to promote a high standard of privacy and security for existing and proposed dwellings through the design and layout of housing.

Section 6.4.4 Car Parking

Policy TM7 Car Parking

Section 11.4.2 Car Parking Standards

Table 11.24: Maximum Parking Rates (Residential Development)

Section 11.4.4 Car Parking Design and Layout

Relevant Government Guidelines

Design Manual of Urban Roads and Streets, Department of Transport, Tourism and Sport and Department of the Environment, Community and Local Government (2013).

Appropriate Assessment of Plans and Projects in Ireland – Guidance for Planning Authorities, Department of the Environment, Heritage and Local Government (2009).

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Assessment

The main issues for assessment relate to the following items:

- Zoning and Council policy,
- Residential and Visual Amenity,
- Roads,
- Screening for Appropriate Assessment (AA),
- Screening for Environmental Impact Assessment (EIA).

Zoning and Council Policy

The site is zoned objective RES – *'To protect and/or improve Residential Amenity.'* Residential development is 'Permitted in Principle' under this zoning objective.

Residential and Visual Amenity

The applicant is seeking permission for a new vehicular access onto Killakee Green. There is an existing access serving the site however, under a separate application (Reg. Ref. SD21A/0249) it is proposed to use this existing access to serve a new dwelling, located to the rear of the two dwellings on the site. The need for a new access has arisen as a result of this concurrent application, meaning the two applications and the subsequent decisions are connected and therefore need to be considered together. There are concerns regarding the proximity of the resulting two accesses at an angle and in close proximity to one another. It is considered these concerns can be addressed by **additional information**, requiring further details of the proposed access arrangements to be submitted.

The proposal would involve the removal of the existing block wall and the provision of a new vehicular access, measuring 3.6m with an electric gate. It is noted from the site visit that the wall has already been removed and temporary metal fencing has been erected in its place.

The proposed vehicular access measures 3.6m. It is considered that a driveway in excess of 3.5m is not necessary at this location and this can be regularised by **condition**. The gate would match the existing gate located just outside the red line boundary; this is considered acceptable. A wall is proposed in between the two gates however, no information has been provided about the proposed materials, whether they are to match the existing blockwork wall or proposed as a different finish. It is considered that this can be addressed by **condition**. In addition, a **condition** should be attached to any grant of permission restricting the height of walls or vegetation at the entrance to ensure safety.

Roads

The Roads Department has reviewed the application and recommended **additional information** be sought. The additional information would provide detail to allow for the impact of this development and SD21A/0249, on neighbouring lands, to be assessed concurrently as the two proposals are closely linked.

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An extract from the Report states:

1. *The applicant is requested to submit as additional information in plan and elevation view drawings showing:*
 - a. *The proposed vehicular access gate width shall not exceed 3.5 meter wide.*
 - b. *The proposed and existing driveway entrance location and width, and car parking arrangement for the existing houses.*
 - c. *The proposed site layout plan to include the location of 4 no. car parking spaces and any widening of the existing driveway entrance.*
 - d. *These plans must be shown on a detailed topographical background survey which shows the location of any existing street furniture, street trees and services that are in the vicinity of the site. The extent of any footpath dishing required should also be noted.*
 - e. *The applicant is requested to submit a swept path analysis to demonstrate that a 4-no. large family car can access, park, and egress the site in a forward direction. Roads will be willing to accept a shared entrance arrangement with access to all 4 No. car parking spaces.*

This report has been considered in the assessment of the proposed development.

Screening for Appropriate Assessment

Having regard to the scale and nature of the development, connection to public services and the distance from Natura 2000 sites, it is considered that the proposed development would not be likely to have a significant effect individually or in combination with other plans or projects on a European site.

Environmental Impact Assessment

Having regard to the modest nature of the proposed development, and the distance of the site from nearby sensitive receptors, there is no likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

Other considerations

SEA Monitoring Information

SEA Monitoring Information	
Building Use Type Proposed	New entrance driveway and dishing of curb
Floor Area (sq.m)	N/A
Land Type	Brownfield
Site Area	0.06

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Conclusion

It is considered appropriate to request **additional information** to allow for a full assessment of the proposed new entrance and its impact on, and relationship with, the existing entrance to the site which is proposed for use as the entrance to serve a new development to the rear of the existing houses on the site. It is considered inappropriate to make a conclusion on this application or SD21A/0249 separately, as the two proposals are intrinsically linked. As such, the applicant should be requested to submit **additional information** as recommended by the Roads department.

Recommendation

Request Further Information.

Further Information

Further Information was requested on 01/11/2021

Further Information was received on 18/01/2022

Consultations

Roads – Clarification of additional information recommended

Submissions/Observations

No further submissions/observations received.

Assessment

The Further Information requested was as follows:

The applicant is requested to submit drawings, in plan and elevation view, showing:

- (a) The proposed vehicular access gate width shall not exceed 3.5 metres wide.*
- (b) The proposed and existing driveway entrance location and width, and car parking arrangement for the existing houses.*
- (c) The proposed site layout plan to include the location of 4 car parking spaces and any widening of the existing driveway entrance.*
- (d) These plans must be shown on a detailed topographical background survey which shows the location of any existing street furniture, street trees and services that are in the vicinity of the site. The extent of any footpath dishing required should also be noted.*
- (e) The applicant is requested to submit a swept path analysis to demonstrate that 4 large family cars can access, park, and egress the site in a forward direction. Roads will be willing to accept a shared entrance arrangement with access to all 4 car parking spaces.*

The applicant has submitted revised drawings as requested and a cover letter from the agent date stamped 18th January 2022.

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The Roads Department has reviewed the additional information submitted and has recommended that **clarification of additional information** be sought in relation to the following:

- 1. The applicant shall submit, a revised layout of not less than 1:100 scale, showing boundary treatment and a single shared vehicle entrance for the existing houses and the proposed house in the rear of the development under a separate application (Reg. Ref. SD21A/0249) in plan and elevation with a maximum width of 4.2m. (Note: A width of 4.2m is only acceptable for a shared entrance). The boundary walls at vehicle access points shall be limited to a maximum height of 0.9m, and any boundary pillars shall be limited to a maximum height of 1.2m.*
- 2. The applicant shall submit, a revised site layout showing a shared vehicular access for the existing houses and the proposed house in the rear of the development under a separate application (Reg. Ref. SD21A/0249) this shared single vehicular access shall either be in red or buff in colour to denote it as a shared vehicular access.*

As previously stated, Reg. Ref. SD21B/0487 and Reg. Ref. SD21A/0249 are intrinsically linked. The current proposal has been assessed with regard to the additional information submitted as part of SD21A/0249 and it is considered appropriate to request the recommended **clarification of additional information** to ensure that the access arrangements to the existing and proposed dwellings are safe and can be guaranteed in the future. Safe access has also been considered with regard to the development potential of the neighbouring site to the south as a result of land swap arrangements. An over proliferation of access points at this end of cul-de-sac location could give rise to unacceptable traffic hazards. A single access arrangement is considered preferable and must be agreed between the two applicants to ensure that there are no issues of site accessibility in the future. The applicant is advised to consult with the Roads department in advance of submitting additional documentation to ensure that proposals would be acceptable.

Conclusion

Based on the information provided, in consideration of SD21A/0249 and consultation with the Roads department, it is considered that the application should be requested to submit **clarification of additional information** as follows:

- Shared access arrangements for the existing dwellings at the site and the proposed dwelling (SD21A0249) should be submitted for the agreement of the Planning Authority.

Recommendation

Request Clarification of Further Information.

Clarification of Further Information

Clarification of Further Information was requested on 11/02/2022

Clarification of Further Information was received on 25/02/2022

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Consultations

Roads – No objection, **conditions** recommended

Submissions/Observations

No further submissions/observations received.

Assessment

The Clarification of Further Information requested was as follows:

- 1. The applicant is requested to submit, a revised layout of not less than 1:100 scale, showing boundary treatment and a single shared vehicle entrance for the existing houses and the proposed house in the rear of the development under a separate application (Reg. Ref. SD21A/0249) in plan and elevation with a maximum width of 4.2m. (Note: A width of 4.2m is only acceptable for a shared entrance). The boundary walls at vehicle access points shall be limited to a maximum height of 0.9m, and any boundary pillars shall be limited to a maximum height of 1.2m.*
- 2. The applicant is requested to submit, a revised site layout showing a shared vehicular access for the existing houses and the proposed house in the rear of the development under a separate application (Reg. Ref. SD21A/0249) this shared single vehicular access shall either be in red or buff in colour to denote it as a shared vehicular access.*

The applicant is advised that shared access arrangements must be agreed with the neighbouring landowner. The applicant is also advised to liaise with the Roads department prior to the submission of revised plans, to ensure that proposed shared access arrangements are acceptable.

The applicant has submitted revised drawings as requested and a cover letter from the agent date stamped 25th February 2022.

The Roads Department has reviewed the clarification of additional information submitted and has stated no objection. Their report recommends the following **conditions** are included in the event of a grant.

- 1. The boundary walls at vehicle access points shall be limited to a maximum height of 0.9m, and any boundary pillars shall be limited to a maximum height of 1.2m, in order to improve forward visibility for vehicles.*
- 2. Footpath and kerb shall be dished and widened, and the dropped crossing shall be constructed to the satisfaction of South Dublin County Council and at the applicant's expense. The footpath and kerb shall be dished and widened to the full width of the proposed widened driveway entrance.*
- 3. Any gates shall open inwards and not out over the public domain.*
- 4. All vehicles parked in the driveways must exit the site in a forward direction. No vehicles to reverse onto the public roadway at any time.*

The above **conditions** are considered appropriate, with the exception that condition no. 4 is unenforceable and is not an appropriate condition for planning permission.

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As previously stated, Reg. Ref. SD21B/0487 and Reg. Ref. SD21A/0249 are intrinsically linked. It is noted that clarification of additional information has also been requested for SD21A/0249 in relation to the shared access arrangement and was submitted on 11/03/2022. The C.F.I submitted under SD21A/0249 shows the same access arrangement submitted for the subject application and the covering letter in both instances states that '*these arrangements have been agreed with the neighbouring land owner*'. The shared access arrangements are therefore considered acceptable.

Other considerations

Development Contributions

Assessable Area: Nil

SEA Monitoring Information

SEA Monitoring Information	
Building Use Type Proposed	New entrance driveway and dishing of curb
Floor Area (sq.m)	N/A
Land Type	Brownfield
Site Area	0.06

Conclusion

Having regard to the provisions of the South Dublin County Council Development Plan 2016-2022 and the overall design of the development proposed it is considered that, subject to conditions set out below, the proposed development would not seriously injure the amenities of the area or of property in the vicinity and would, therefore, be in accordance with the proper planning and sustainable development of the area.

Recommendation

I recommend that a decision be made pursuant to the Planning & Development Act 2000, as amended, for the reasons set out in the First Schedule hereto, to Grant Permission for the said development in accordance with the said plans and particulars, subject to the condition(s) specified in the Second Schedule hereto, the reasons for the imposition of the said condition(s) being as set out in the said Second Schedule.

FIRST SCHEDULE

It is considered that the proposed development accords with the policies and objectives of South Dublin County Council, as set out in the South Dublin County Council Development Plan 2016 - 2022 and subject to the conditions set out hereunder in the Second Schedule is hereby in accordance with the proper planning and sustainable development of the area.

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SECOND SCHEDULE

Conditions and Reasons

1. Development to be in accordance with submitted plans and details.
The development shall be carried out and completed in its entirety in accordance with the plans, particulars and specifications lodged with the application, and as amended by Further Information received on 18/01/2022 and Clarification of Further Information received on 25/02/2022, save as may be required by the other conditions attached hereto.
REASON: To ensure that the development shall be in accordance with the permission, and that effective control be maintained.
2. Dish Kerb and Footpath.
The kerb and footpath of the public road at the vehicle entrance(s) shall be,
(a) dished and a widened dropped crossing shall be constructed to the satisfaction of South Dublin County Council and at the applicant's expense. The footpath and kerb shall be dished and widened to the full width of the proposed widened driveway entrance, and
(b) all works shall be completed fully in accordance with the terms of a Road Opening Licence to be obtained by the applicant, developer, or owner from the Council prior to commencement of any works in the public domain.
REASON: In the interest of public safety and the proper planning and sustainable development of the area, and in order to comply with The Roads Act 1993 Section 13 Paragraph 10.
3. Roads Requirements
(a) The boundary walls at vehicle access points shall be limited to a maximum height of 0.9m, and any boundary pillars shall be limited to a maximum height of 1.2m, in order to improve forward visibility for vehicles.
(b) Any gates shall open inwards and not out over the public domain.
REASON: In the interests of visual amenity and pedestrian safety.

NOTE: The applicant is advised that under the provisions of Section 34 (13) of the Planning and Development Act 2000 (as amended) a person shall not be entitled solely by reason of a permission to carry out any development.

NOTE: The applicant or developer should ensure that all necessary measures shall be taken by the contractor to prevent the spillage or deposit of clay, rubble or other debris on adjoining roads during the course of the works and to ensure that any such instances arising are remedied immediately.

NOTE: A Roads Opening Licence must be obtained from South Dublin County Council prior to the commencement of any works in the public domain in order to comply with the Roads Act 1993, Section 13, paragraph 10. Under this Act, non-compliance constitutes an offence.

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REG. REF. SD21B/0487

LOCATION: 24-26, Killakee Green, Tallaght, Dublin 24



**Colm Maguire,
Executive Planner**

ORDER: A decision pursuant to Section 34(1) of the Planning & Development Act 2000, as amended, to Grant Permission for the reasons set out in the First Schedule above, in accordance with the said plans and particulars, subject to the condition(s) specified in the Second Schedule above, the reasons for the imposition of the said condition(s) being as set out in the said Second Schedule is hereby made.

Date: 24/3/22



Eoin Burke, Senior Planner